



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

September 16, 2016

Aston Irrigation Association
PO Box 3233
Omak, WA 98841

RE: CS4-01245C@9 - Temporary Change Authorization to add a point of diversion and change a portion of the place of use for 2016 only.

Background

On March 14, 2016, Aston Irrigation Association submitted an application seeking a Temporary Change Authorization to add a point of diversion (POD) and change a portion of the place of use (POU) for Surface Water Certificate No. S4-01245C. This water right, having a priority date of September 19, 1968, is authorized to divert 3.2 cubic feet per second (cfs) and up to 641 acre-feet per year (ac-ft/yr) from April 1 through November 1 for the irrigation of 163 acres. Vista Vu Water Users Association is the current owner of this certificate.

The POD authorized under Surface Water Certificate No. S4-01245C is located approximately 100 feet south and 500 feet east from the west quarter corner of Section 20, situated within Government Lot 3 of Section 20, T. 34 N., R. 27 E.W.M. Aston Irrigation Association has requested a temporary change to add a POD located in the NW¼ of Section 31, T. 34 N., R. 27 E.W.M. This added POD would divert 0.2 cfs up to 52.7 ac-ft/yr, of the total 3.2 cfs and 641 ac-ft/yr.

The POU for Surface Water Certificate No. S4-01245C is located on 145 acres within the SE¼ of Section 19, T. 34 N., R. 27 E.W.M., and 18 acres within the NE¼NE¼ of Section 30, T. 34 N., R. 27 E.W.M. Aston Irrigation Association has proposed to transfer 13.4 acres of Surface Water Right No. S4-01245C located within the SE¼ of Section 19, T. 34 N., R. 27 E.W.M. The water would be diverted from the Okanogan River and will be used to irrigate approximately 13.4 acres of lawn, shrubs, trees, and pasture located in the W½ of Section 30 and Aston Estates being within Government Lots 2 and 3 of Section 31 all located in T. 34 N., R. 27 E.W.M. The proposed POU would be located on properties owned by several different property owners within Aston Estates.



Lands which will be fallowed and transferred within the place of use for Surface Water Certificate No. S4-01245C:

Parcel No.	Land Owner	Proposed Acres to be Fallowed
3427190041	George E. Dunkel, Jr.	0.5
8874300020	Allen & Cindy Rose	4.5
8858200100	Ora & Norma Harvill	4.3
3427190042	Rick and Sherrie Clark	2.1
8807900010	Edward Lind	1.0
8872700043	Robert and Renee Goodwin	0.8
8872700020	Michael & Joanie Stenberg	0.2
Total Acreage		13.4

The existing and proposed PODs and POU's are all located within Water Resource Inventory Area (WRIA) No. 49, in Okanogan County, Washington.

Other water rights appurtenant to the proposed place of use include the following:

- **Ground Water Permit No. G4-26301P**
Name: Sandflat Water Users Association
Use: Domestic multiple
Period of Use: Year round
Quantity: 250 gallons per minute (gpm) up to 220 acre-feet per year (ac-ft/yr)
Priority Date: July 20, 1978
- **Surface Water Certificate No. S4-24234C**
Name: Aston Irrigation Association Inc.
Use: The irrigation of 106.71 acres
Period of Use: April 1 through October 15, subject to Instream Flows adopted by WAC 173-549
Quantity: 2.35 cfs up to 426.84 ac-ft/yr Priority
Date: March 25, 1976

This Temporary Change Authorization has been requested for two reasons:

- 1) To provide water for customers within the boundaries of Aston Estates that are not covered by the above water rights currently held by Aston Irrigation Association Inc.

- 2) To provide water for customers within the boundaries of Aston Estates that would not have water when the above water rights, currently held by Aston Irrigation Association Inc., are curtailed due to times of low stream flow.

Public Notice

Public notice of the application was published in the Okanogan County Chronicle in Okanogan, Washington on July 20, 2016, and July 27, 2016. No letters of protest or comments were received during the 30-day protest period.

Impairment

The proposed temporary changes would result in an additional downstream POD and a change to a portion of the original authorized POU. If this temporary change is approved, there will be 10 PODs located in the intervening reach between the original authorized POD and the proposed additional POD, seven of which are senior and three are junior to the water right proposed for temporary change. A downstream move on the Okanogan River could lead to earlier calls on these 3 junior water users. Therefore, conditioning of this temporary change to not allow a call to cease diversions by these three water rights (CS4-WRC030254, S4-30818P, and S4-29861P) would be necessary to prevent injury.

Due to the fallowing of 13.4 acres located within the original authorized POU, the requested temporary change in POU would not add additional irrigated acreage to the existing water right.

Conclusions

Based on the above investigation, approval of this temporary change to add a POD and change a portion of the POU would not cause impairment, nor would approval of this temporary change enlarge the subject right provided the use conforms to the provisions listed below:

Your application for temporary change is approved, subject to the following provisions:

- 1) This temporary authorization is for the diversion of 0.2 cfs up to 52.7 ac-ft, from April 1, 2016 through October 15, 2016, and will expire on October 15, 2016. The current water right holder, Vista Vu Water Users Association, shall reduce their diversion by the above quantities (0.2 cfs and 52.7 ac-ft).
- 2) Violation of any of the terms and/or conditions of this authorization may result in immediate termination of this authorization and may be subject to formal enforcement actions.
- 3) The additional POD will be located in the NW¼ of Section 31, T. 34 N., R. 27 E.W.M., and limited to 0.2 cfs, up to 52.7 ac-ft/yr.
- 4) The POU under this temporary authorization will be used to irrigate 13.4 acres within the W½ of Section 30 and Aston Estates being within Government Lots 2 and 3 of Section 31, all located in T. 34 N., R. 27 E.W.M.

- 5) Aston Irrigation Association is limited to 13.4 acres of irrigation under this temporary authorization for the 2016 irrigation season at the new POU.
- 6) This water right may only initiate a call on junior rights when the quantity of water available at the original authorized POD is sufficient to exercise the right.
- 7) In order to prevent enlargement of the water right, water may not be diverted from the additional POD during any time when water would not normally be available for diversion at the original POD.
- 8) The Department of Ecology assumes no liability for the purchase and/or construction of any permanent facilities in conjunction with this Temporary Change Authorization. Applicants for temporary change should not construe that a temporary change will result in the granting of a permanent change of water right.
- 9) Where the water source and/or water transmission facilities are not wholly located upon land owned by the applicant, issuance of a water right change authorization by this department does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between applicant and owner of that land.
- 10) The applicant and operator of the system under this Temporary Change Authorization shall:
 - Have a copy of this Temporary Change Authorization available on-site.
 - Be aware of the parameters and provisions and operate accordingly.
 - Provide said copy as evidence of this authorization upon request by Department of Ecology staff.
- 11) Withdrawal or diversion of water under other rights appurtenant to the POU may be, or will continue to be, limited or otherwise regulated in favor of senior rights.
- 12) An approved measuring device must be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use," WAC 173-173.

WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

Recorded water use data shall be submitted via the Internet. To set up an Internet reporting account, contact the Regional Office. If you do not have Internet access, you can still submit hard copies by contacting the Regional Office for forms to submit your water use data.

- 13) The rule above describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for

modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed or available from Ecology as a document entitled "Water Measurement Device Installation and Operation Requirements".

14) Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions, but only to the extent otherwise allowed by law.

15) The intake(s) must be screened in accordance with Department of Fish and Wildlife screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). Contact the Department of Fish and Wildlife if you have questions about screening criteria, or call (509) 575-2104 for the Yakima Construction Shop to obtain technical assistance for your project.

Department of Fish and Wildlife Phone: (360) 902-2534
Attention: Habitat Program Email: habitatprogram@dfw.wa.gov
600 Capitol Way N Website:
Olympia, WA 98501-1091 <http://wdfw.wa.gov/conservation/habitat/planning/screening/>

16) This Temporary Change Authorization shall in no way excuse the permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations including those administered by other programs of the Department of Ecology.

Your Right To Appeal

You have a right to appeal this decision to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this decision. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of this decision:

- File your appeal and a copy of this decision with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this decision on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION	
Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey WA 98503 Pollution Control Hearings Board 1111 Israel Road SW Ste 301 Tumwater WA 98501	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia WA 98504-7608 Pollution Control Hearings Board PO Box 40903 Olympia WA 98504-0903

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>
To find laws and agency rules visit the Washington State Legislature Website: <http://www.leg.wa.gov/CodeReviser>

If you have any questions, please contact Jacquelyn Metcalfe by phone at (509) 457-7148 or via email at jmet461@ecy.wa.gov.

Sincerely,



Trevor Hutton, Section Manager
Water Resources Program
Central Regional Office

TH:JM:JR/160915

Enclosures: Your Right To Be Heard
Water Measuring Requirements
Fish Screening Requirements

cc: Lois Trevino, Administrator Environmental Trust, Colville Confederated Tribes
Vista Vu Water Users Association
Lois Hale
Susan Burgdorff-Beery, Watermaster, Department of Ecology